

§ 16.51

§ 16.51 Security of systems of records.

(a) Each component shall establish administrative and physical controls to prevent unauthorized access to its systems of records, to prevent unauthorized disclosure of records, and to prevent physical damage to or destruction of records. The stringency of these controls shall correspond to the sensitivity of the records that the controls protect. At a minimum, each component's administrative and physical controls shall ensure that:

- (1) Records are protected from public view;
 - (2) The area in which records are kept is supervised during business hours to prevent unauthorized persons from having access to them;
 - (3) Records are inaccessible to unauthorized persons outside of business hours; and
 - (4) Records are not disclosed to unauthorized persons or under unauthorized circumstances in either oral or written form.
- (b) Each component shall have procedures that restrict access to records to only those individuals within the Department who must have access to those records in order to perform their duties and that prevent inadvertent disclosure of records.

[Order No. 2156-98, 63 FR 29600, June 1, 1998; 63 FR 34965, June 26, 1998]

§ 16.52 Contracts for the operation of record systems.

Any approved contract for the operation of a record system will contain the standard contract requirements issued by the General Services Administration to ensure compliance with the requirements of the Privacy Act for that record system. The contracting component will be responsible for ensuring that the contractor complies with these contract requirements.

§ 16.53 Use and collection of social security numbers.

Each component shall ensure that employees authorized to collect information are aware:

- (a) That individuals may not be denied any right, benefit, or privilege as a result of refusing to provide their social security numbers, unless the col-

28 CFR Ch. I (7-1-03 Edition)

lection is authorized either by a statute or by a regulation issued prior to 1975; and

- (b) That individuals requested to provide their social security numbers must be informed of:

- (1) Whether providing social security numbers is mandatory or voluntary;
- (2) Any statutory or regulatory authority that authorizes the collection of social security numbers; and
- (3) The uses that will be made of the numbers.

§ 16.54 Employee standards of conduct.

Each component will inform its employees of the provisions of the Privacy Act, including the Act's civil liability and criminal penalty provisions. Unless otherwise permitted by law, an employee of the Department of Justice shall:

- (a) Collect from individuals only the information that is relevant and necessary to discharge the responsibilities of the Department;
- (b) Collect information about an individual directly from that individual whenever practicable;
- (c) Inform each individual from whom information is collected of:
 - (1) The legal authority to collect the information and whether providing it is mandatory or voluntary;
 - (2) The principal purpose for which the Department intends to use the information;
 - (3) The routine uses the Department may make of the information; and
 - (4) The effects on the individual, if any, of not providing the information;
- (d) Ensure that the component maintains no system of records without public notice and that it notifies appropriate Department officials of the existence or development of any system of records that is not the subject of a current or planned public notice;
- (e) Maintain all records that are used by the Department in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in the determination;
- (f) Except as to disclosures made to an agency or made under the FOIA,